

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

AMERICAN GENERAL LIFE  
INSURANCE COMPANY,

Plaintiff,

v.

Case No. 05-10153  
Honorable David M. Lawson

DORRENCE HALL, TIMOTHY J. HALL,  
DERRICK M. DAVIS, FRANKLIN L. HALL,  
KARL KENNEDY, BETTY L. HALL, and  
THE ESTATE OF NEZE M. DAVIS, deceased,  
TIMOTHY J. HALL, representative,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,  
GRANTING DEFENDANT DORRENCE HALL'S MOTION FOR SUMMARY  
JUDGMENT, AND ORDERING CLERK TO DISPERSE FUNDS**

Presently before the Court is the report issued on January 24, 2006 by Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b), recommending that this Court grant the defendant Dorrence Hall's motion for summary judgment. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt

# 48] is **ADOPTED**.

It is further **ORDERED** that the defendant Dorrence Hall's motion for summary judgment [dkt # 38] is **GRANTED**.

It is further **ORDERED** that the Clerk of Court shall release to Dorrence Hall the funds deposited by plaintiff American General Life Insurance Company.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: February 14, 2006

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 14, 2006.

s/Tracy A. Jacobs  
TRACY A. JACOBS